

Notice of Allowability	Application No.	Applicant(s)	
	09/718,961	SCHWARTZ ET AL.	
	Examiner	Art Unit	
	Mark Fadok	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 12/15/2005.
2. ☒ The allowed claim(s) is/are 1-10, 12-28 and 30-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/15/2006</u> . 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

DETAILED ACTION

Notice of Allowance

The examiner is in receipt of Applicant's response to office action mailed 9/15/2005, which was received 12/15/2005. Acknowledgement is made to the amendment to claims 1,27 and 35 and the cancellation of claims 11 and 29, leaving claims 1-10,11-28 and 30-35 as pending in the instant application. The applicant's amendment and remarks have been carefully considered and are sufficient to overcome the USC 101 reject and with the examiner's amendment have been found to place the claims in condition for allowance. The Drawing rejection has not been obviated and correction of the drawings to the requirements set forth in the PTO 948 is required.

Drawings

The drawings filed on 11/22/2000 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record neither anticipates nor fairly and reasonably teaches a system and method whereby rankings are conducted on a plurality of units and a

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recommendation of a preferred discount threshold is presented to the user comprising, *inter alia*, the following steps of the selected independent claims.

Claim 1:

wherein the discount rule module is further configured to selectively assign a rank to each discount threshold of each first group unit, wherein the rank indicates a preference level of each discount threshold.

Claim 27:

Assigning at least one discount threshold in each first group unit rank, in the case that the achieved ranks of the first group units of the master group unit meet a standard, providing a discounted price associated with the rank higher than any achieved rank to each first group unit, wherein the rank indicates a preference level of each discount threshold.

Claim 35:

wherein the discounter is further configured to selectively assign a rank to each discount threshold of each group unit, wherein the rank indicates a preference level of each discount threshold.

(i) US Patent 5,615,109 to Eder discloses supplying quantity discounts. Eder, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(ii) US Patent 6,934,690 to Van Horn et al. discloses a method for group buying over the Internet. Van Horn et al., however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iii) US Patent 5,368,129 to Van Horn et al. discloses a method for producing discount coupons. Van Horn et al., however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iv) US Patent 6,269,343 to Pallakoff discloses a method for aggregating buyer selection to create a discount threshold. Pallakoff, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(v) US PG PUB 2002/0107773 to Abdou discloses leveraging orders from a plurality of customers. Abdou, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(vi) US PG PUB 2002/0082881 to Price et al. discloses administering threshold discounts. Price, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Foreign Patent Documents

(vii) WO 2005/0385593 teaches a method for managing pricing at a vending machine. This patent however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Non-Patent Literature

(viii) Welch et al, teaches manipulating prices and discounts to arrive at a ranking suitable to the buyer, Welch, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(571) 273-8300 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner